

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBIN M. LEE,

Plaintiff,

v.

CITY OF LAS VEGAS et al.,

Defendants.

2:14-cv-214-RCJ-NJK

ORDER

I. DISCUSSION

On February 11, 2014, this Court issued an order denying Plaintiff's application to proceed *in forma pauperis* without prejudice because Plaintiff's application was incomplete. (ECF No. 3 at 1). The Court granted Plaintiff until March 13, 2014 to file a fully complete application to proceed *in forma pauperis* or to pay the full filing fee of \$400. (*Id.* at 1-2).

On March 3, 2014, Plaintiff filed a motion for an extension of time to comply with this Court's February 11th order. (ECF No. 4 at 1). Plaintiff, who is now incarcerated at the Honolulu Federal Detention Center, sought an extension of time to contact the Clark County Detention Center in order to acquire proof of his inmate account statement from the period of August 1, 2013 through November 7, 2013. (*Id.*). The Court granted Plaintiff's motion and gave Plaintiff until Friday, April 18, 2014 to comply with this Court's February 11th order. (ECF No. 5 at 1).

On March 10, 2014, Plaintiff filed his new application to proceed *in forma pauperis*, a motion to extend time if necessary, and a motion to accept a sales receipt as proof of his financial status. (ECF No. 6, 6-1, 7). Plaintiff's new application for *in forma pauperis* is also incomplete. (ECF No. 6-1). Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2,

1 Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate
2 account statement for the past six months and a properly executed financial certificate.
3 Plaintiff has not submitted a complete financial certificate or a complete inmate account
4 statement. (See ECF No. 6-1 at 1, 6). Plaintiff must have an authorized officer complete the
5 financial certificate. (*Id.* at 6). As such, the *in forma pauperis* application is denied without
6 prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file
7 it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an
8 opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the
9 alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to
10 proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
11 *pauperis*.

12 The Court denies Plaintiff's motion for an extension of time (ECF No. 6) as moot.
13 Plaintiff is directed to file a new application to proceed *in forma pauperis* that is fully complete
14 within 30 days of the date of this order or, alternatively, pay the full filing fee for this action.
15 Additionally, the Court denies Plaintiff's motion for this Court to accept a sales receipt (ECF
16 No. 7) in lieu of an inmate account statement for the past six months.

17 II. CONCLUSION

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
19 *forma pauperis* (ECF No. 6-1) is DENIED without prejudice to file a new application.

20 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
21 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
22 entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
24 Plaintiff shall either: (1) file a **fully complete** application to proceed *in forma pauperis*, on the
25 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
26 (2) pay the full filing fee of \$400.

27 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
28 dismissal of this action may result.

1 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
2 No. 1-1), but shall not file it at this time.

3 IT IS FURTHER ORDERED that the motion to extend time to file *in forma pauperis*
4 (ECF No. 6) is DENIED as moot.

5 IT IS FURTHER ORDERED that the motion to accept document for compliance re: *in*
6 *forma pauperis application* (ECF No. 7) is DENIED.

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8 DATED: This 13th day of March, 2014.

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12 United States Magistrate Judge
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